UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/210
9 March 1998

ORIGINAL: ENGLISH

LETTER DATED 9 MARCH 1998 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith the communiqué on the "United Nations Command" in south Korea issued by the Permanent Mission of the Democratic People's Republic of Korea to the United Nations on 9 March 1998.

I would be grateful if you could have this letter and annexed communiqué circulated as a document of the Security Council.

(Signed) LI Hyong Chol
Ambassador
Permanent Representative

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Annex

Communiqué of the Permanent Mission of the Democratic People's Republic of Korea to the United Nations, issued on 9 March 1998

To ensure peace and security on the Korean peninsula today, terminating the arbitrariness and interference of foreign forces in south Korea presents itself as a matter of priority.

A major obstacle in this regard is the "UN Command" in south Korea, the legacy of the cold war.

The Permanent Mission of the Democratic People's Republic of Korea to the United Nations issues this communiqué with a view to bringing to light the ulterior intention of the United States to maintain the "UN Command" in south Korea.

The "UN Command" in south Korea is in reality the product of the arbitrariness of the United States and the cold war.

The adoption of Security Council resolution 84 (1950) of 7 July 1950 was forcibly engineered by the United States.

Resolution 84 (1950), which is claimed by the United States as the legal basis for the creation of the "UN Command", has no legal force since it was adopted without the presence of all the permanent members of the Security Council.

The "adoption" of the resolution constituted a violation of Article 27, paragraph 3, of the Charter of the United Nations, which at the time provided that the decisions of the Security Council on all matters except procedural ones required an affirmative vote of seven members, including the concurring votes of the permanent members.

At that time, the Soviet Union, a permanent member, was absent from the Security Council meeting and therefore the concurring votes of all five permanent members of the Council could not be obtained.

The "UN Command" in south Korea is the product of the cold war instituted by the United States.

Security Council resolution 84 (1950), to which the United States always refers, does not contain any paragraph calling for the establishment of the "UN Command", but merely "recommended" that the armed forces provided by the States Members of the United Nations should be used by a "unified command under the United States".

In this connection, the Secretary-General of the United Nations, in his letter of 24 June 1994 to the Minister for Foreign Affairs of the Democratic People's Republic of Korea, specified that the "UN Command" was not established

by the Security Council as a subsidiary body under its control, but that it was done by the United States.

Mark W. Clark, who was the Commander-in-Chief of the "UN Command" during the late stage of the Korean war, stated at the press conference of 20 March 1967 that he did not receive any instructions from the United Nations at that time.

At present, the "UN Command" in south Korea comprises only the United States armed forces. Those countries other than the United States which had made their armed forces available to the "United Nations Command" withdrew all of them between October 1953 and July 1955.

In this regard, the United States Government officially recognized by stating in the document of 22 September 1975 submitted to the United Nations that there remain only less than 300 staff and honour guards in the "UN Command".

This proves that there exists only the United States Army Command in south Korea, and that the "UN Command" is being abused to cover up the United States Army Command with the United Nations blue helmets.

The "UN Command" in south Korea should be dissolved by all means necessary.

The United States should refrain from attempting to justify the existence of the "UN Command" by submitting annual reports to the Security Council, but should rather dissolve the "UN Command", the product of the cold war.

With the adoption of the DPRK/United States Agreed Framework of 1994, the Democratic People's Republic of Korea and the United States have committed themselves to their joint efforts for denuclearization and peace on the Korean peninsula and the armistice on the Korean peninsula is now maintained by the military authorities of the DPRK and the United States, which represents that enough conditions have been created for dissolving the "UN Command".

Besides the United States has the responsibility for dissolving the "UN Command" in south Korea.

The "UN Command" was created by the United States, and the DPRK and the United States are the real parties to the Korean Armistice Agreement.

The United States has also recognized its responsibility for peace and security on the Korean peninsula in the DPRK/United States Joint Statement of 11 June 1993 and the DPRK/United States Agreed Framework of 21 October 1994.

The continuing maintenance by the United States of the "UN Command", instead of dissolving it, can be construed only as its intention of abusing the United Nations to stifle the DPRK without regard to the maintenance of peace and security on the Korean peninsula and the withdrawal of the US armed forces.

If the United States does not dissolve the anachronistic "UN Command" and abuses it to stifle the DPRK, it cannot but lose credibility in the eyes of the States Members of the United Nations.

The United Nations should question, for the sake of rectification, Security Council resolution 84 (1950), claimed by the United States as the legal basis for the establishment of the "UN Command", and the abuse of the United Nations flag by the United States Command in south Korea.

The deliberation upon and the adoption of the resolution in the absence of a permanent member constitutes contravention of Article 27, paragraph 3, of the Charter of the United Nations and therefore, had no legal force whatsoever.

Moreover, the fact that the Korean question has been deleted from the list of items of which the Security Council is seized shows that those resolutions adopted under that item no longer provide any grounds or basis for the maintenance of the "UN Command".

It will be conducive to ensuring peace on the Korean peninsula in conformity with the Charter of the United Nations if the Security Council takes an impartial approach towards the issues concerning resolution 84 (1950) and the creation of the "UN Command" by the United States and takes measures to nullify resolution 84 (1950) and retrieves the United Nations flag from the "UN Command".

The Democratic People's Republic of Korea expresses its hope that the States Members of the United Nations will pay close attention to the dissolution of the "UN Command" in south Korea.